

**(2010) 11 MAD CK 0207**

**Madras High Court (Madurai Bench)**

**Case No:** Writ Appeal (MD) No. 733 of 2010 and M.P. (MD) . No's. 1 and 2 of 2010

R. Chandran

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

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**Date of Decision:** Nov. 9, 2010

**Hon'ble Judges:** S. Nagamuthu, J; R. Banumathi, J

**Bench:** Division Bench

**Advocate:** A. Thirumurthy, for the Appellant; K. Balasubramanian, Additional Government Pleader, for the Respondent

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### **Judgement**

R. Banumathi, J.

This Writ Appeal arises out of the order, dated 21.10.2010, made in M.P.(MD). No. 2 of 2010 in W.P.(MD). No. 12951/2010, whereby the learned single Judge declined to grant interim injunction restraining the Respondents from relieving the Petitioner from the post of driver pending disposal of the main writ petition.

2. It is the case of the Appellant that he has been working as driver from 12.07.2001 on a consolidated pay and that he has been working in the office of Director of Rural Development and Panchayat Department attached to the Collectorate for more than 11 years.

3. According to the Appellant, he is entitled to the benefits of G.O. Ms. No. 22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006. According to the Appellant, a similarly placed person by name S. Muruganantham was given the benefit of the said Government Order and while so, the Appellant alone has been singled out and he is about to be relieved by the proceedings of the third Respondent and that the third Respondent is proceeded to call for a list of candidates from the Employment Exchange.

4. The learned single Judge observed that grant of such relief sought for by the Petitioner would be inappropriate and the learned single Judge declined to grant interim stay.

5. We find force in the submission of the learned Counsel for the Appellant that a similarly placed person by name S. Muruganantham was given the benefit of G.O. Ms. No. 22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 and regularised, as seen from G.O.(1D). No. 772, Rural Development and Panchayat Department, dated 24.10.2008. In such view of the matter, the order of the learned single Judge, dated 21.10.2010, made in M.P.(MD). No. 2 of 2010 in W.P.(MD). No. 12951/2010, is set aside and this Writ Appeal is allowed and the Respondents are restrained from relieving the Appellant from the post of driver till the disposal of the writ petition. We request the learned single Judge to take up the Writ Petition W.P.(MD). No. 12951 of 2010 and dispose of the same at an early date. Consequently, connected miscellaneous petitions are closed. No costs.